

House Noise Control Task Force Meeting Minutes
Tuesday, February 28th, 2017, Tatnall Building Rm 112

Chairman Rep. Smyk called the meeting to order at 2:00pm. He called for a motion to accept the minutes, and it was approved.

Rep. Smyk began by reminding the group that it is time to start narrowing in on recommendations. He then asked the group to review the packet of draft recommendations, goals, and suggestions (provided by Judge Horn).

The first item discussed was #7 on the draft recommendations, which proposes that loud motor vehicles (most notably motorcycles and tractor trailers) be inspected and have the decibel level tested by the DMV. Rep. Smyk noted that new legislation is being introduced this year which specifies new lighting guidelines for motorcycles, which may reduce the need for loud mufflers.

Regarding recommendation #8, which suggests that commercial motor vehicles be inspected more thoroughly by a traceable certified inspector, Mr. Hudson revisited the discussion that arose last meeting about apportions tags. He asked for a method to ensure accountability and transparency on the part of truck inspectors.

Mr. Emory (DNREC) asked about agricultural exemptions, and how they would fit into the draft recommendations. Mr. Hudson noted that while the agriculture industry is notably louder than most, farmers should still be held accountable to ensure that they are not making more noise than is required. Mr. Emory would like representatives from DNREC, DPI, Farm Bureau, and Dept. of Ag, to sit down and discuss which agricultural noise regulations are on the books and not getting enforced, versus regulations that do not yet exist. This discussion has been slated to take place in the week or two following this meeting.

Mr. Emory and Judge Horn agreed on the importance of grandfathering in old businesses, so that they are allotted a reasonable amount of time to bring their operations up to code. Judge Horn also stressed the difference between some regulations that need to be changed immediately due to a public safety concern (i.e. a gas leak or a speed limit reduction) versus a nuisance or an inconvenience (i.e. a loud combine) that has the flexibility to be addressed over time.

Mr. Widom (Chamber of Commerce) addressed his concerns about the “plainly audible” standard. He noted that atmospheric conditions affect how certain decibel levels sound (a 50-decibel source of noise pollution on a clear, quiet day is far more intrusive than a 50-decibel source of noise pollution that’s muffled by other conditions (wind, traffic, other commercial noises, etc.). Major Purcell noted that the plainly audible standard is usually only applied to residential noise violations, whereas the commercial/industrial violations tend to be recorded by decibel meter.

Judge Horn also noted the difference between civil offenses which happen more sporadically (i.e. a barking dog) versus a more longstanding source of noise pollution (i.e. more continuous commercial exhaust fan). The latter allows for an officer to obtain a decibel meter, return to the site of the noise pollution, and more accurately register the noise violation. Rep. Smyk asked who calibrates these meters; Chief Banks responded that Rehoboth PD sends them back to the manufacturer to get recalibrated.

It was proposed to keep existing state regulations on the books in place, and refresh the regulations pertaining to DNREC's jurisdiction. Chief Faedtke (DNREC) agreed that there should be unified, standard metrics to measure decibel levels and avoid subjectivity. The enforcement branch of DNREC is a staff of ten people, which makes it difficult to police noise violations at all hours of the day. The Chief estimated \$60,000 to equip his DNREC officers with decibel meters and related training.

Rep. Smyk then discussed Judge Horn's recommendations regarding jurisdiction, particularly distinguishing between civil and criminal offenses. This has been a prevailing theme throughout the course of the NCTF. It was decided that these notes will be absorbed into the draft recommendations.

The NCTF then discussed recommendation #6, suggesting that the resources provided by the realty industry be improved in a way that provides more clarity on zoning and other right-to-know considerations for new home buyers. Rep. Smyk suggested that clearer resources be provided, as opposed to the current links which merely lead homebuyers to generic, confusing home pages.

No one from the Office of Animal Welfare was present to discuss recommendations #2 and #3.

Mr. Emory said that Senator Ennis wanted to attend the meeting to discuss noise pollution related to guns. Jeff Hague (Delaware State Sportsmen Association) reminded the NCTF that Delaware is one of seven states that do not allow noise suppressors to be used on guns. He advocated on behalf of a recommendation that would *allow*—not require—the use of gun suppressors, in order to reduce the amount of noise pollution caused by hunting and target practice. Mr. Hague was asked if gun suppressors would obscure the pattern of a shotgun. Mr. Hague responded that it would not alter velocity or direction, and that it would only capture the gases released in such a way that suppresses noise. Currently, the Delaware code bans gun silencers; Mr. Hague noted the distinct difference between silencers and suppressors. Neither the DOJ nor DNREC could take a position on this recommendation at the time of the meeting.

Two meeting will take place before the next NCTF meeting: the first with DNREC, DPI to discuss agricultural exemptions and the second with the Chamber of Commerce to discuss the plainly audible standard.

The meeting was adjourned at 3:20pm.

House Noise Control Task Force Attendee List

- Chairman Rep. Stephen Smyk
- Wade Hudson (Member of the Public)
- Chief Keith Banks (DE League of Local Governments)
- Stu Widom (DE State Chamber of Commerce)
- Patrick Emory (DNREC)
- Major Galen Purcell (DSHS)
- Judge James Horn (Chief Magistrate)
- Devera Scott (DOJ)
- Jeff Hague (DSSA)
- Jim Faedtke (DNREC)
- John Eby (DNREC)
- Todd Davis (DDA)